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10 Attorneys for Richard M. Pachulski,  
11 Chapter 11 Trustee

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**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**LOS ANGELES DIVISION**

29 In re  
30 LAYFIELD & BARRETT, APC,  
31  
32 Debtor.

33 Case No. 2:17-bk-19548-NB

34 Chapter 11

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1 **TO THE DEBTOR; OFFICE OF THE UNITED STATES TRUSTEE; PARTIES  
2 REQUESTING NOTICE; WELLS FARGO BANK, N.A.; TOLL CREEK VILLAGE  
3 OWNERS ASSOCIATION; PHILIP J. LAYFIELD; WES AVERY, CHAPTER 7 TRUSTEE  
FOR THE BANKRUPTCY ESTATE OF PHILIP J. LAYFIELD; AND PARTIES IN  
INTEREST:**

4 **PLEASE TAKE NOTICE** that on **April 2, 2019, at 2:00 p.m.**, in courtroom 1545 of the  
5 United States Bankruptcy Court for the Central District of California, Los Angeles Division, located  
6 at 255 E. Temple Street, Los Angeles, California 90012, the Court will hold a hearing regarding the  
7 *Motion for Order (1) Authorizing Sale of Real Property Free and Clear of All Liens, Claims and  
Encumbrances Pursuant to 11 U.S.C. §§ 363(b) and (f); (2) Approving Buyer as Good Faith  
Purchaser Pursuant to 11 U.S.C. § 363(m); and (3) Authorizing Payment of Undisputed Liens and  
Other Ordinary Costs of Sale* (the “Motion”),<sup>2</sup> filed by Richard M. Pachulski, the chapter 11 trustee  
8 (the “Trustee”) for the bankruptcy estate of Layfield & Barrett, APC, which seeks an order:

9 1. approving the Purchase and Sale Agreement for Commercial Real Estate, as amended  
10 by addenda numbered 1 and 2 (the “PSA”) and the sale of two office suites, Suites 210 and 220 (the  
11 “Property”) at Toll Creek Village 2 (Parcel Nos. TCVC-2-210 and TCVC-2-220), an office  
12 condominium complex located at 2720 Homestead Road, Park City, Utah 84098, free and clear of  
13 any liens, claims, and encumbrances pursuant to 11 U.S.C. §§ 363(b) and (f), to Allegretti &  
Company (the “Buyer”), whose address is 20555 Devonshire St, PMB 375, Chatsworth, California  
91311, for the total purchase price of \$275,000.00, subject to overbid;

14 2. authorizing the Trustee to sell the Property to the Buyer, or an overbidder, “as is,”  
“where is,” “with all faults,” and without warranty or recourse, but free and clear of any and all liens,  
15 claims, and interests, pursuant to 11 U.S.C. §§ 363(b) and (f);

16 3. approving the Buyer or any successful overbidder as a “good faith” purchaser under  
17 section 363(m) of the Bankruptcy Code;

18 4. attaching to the net sales proceeds any unpaid portion of the liens on the Property in  
the same value, priority and scope as such liens existed as of the Petition Date;

19 5. reserving to the Trustee all rights to object to the validity, scope and priority of all  
20 disputed liens, claims and encumbrances;

21 6. authorizing the Trustee to take any and all necessary actions to consummate the sale  
of the Property;

22 7. authorizing the Trustee to pay, through escrow, from the proceeds of the sale and  
without further order of the Court any escrow fees, title insurance premiums and other ordinary and  
23 typical closing costs and expenses payable by the Trustee pursuant to the PSA or in accordance with  
local custom;

24 8. waiving any requirements for lodging periods of the order approving the Motion  
25 imposed by any other applicable bankruptcy rules;

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<sup>2</sup> All terms not defined herein shall have the same meaning ascribed to them in the Motion.  
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9. waiving the stay of the order approving the Motion imposed by Federal Rule of Bankruptcy Procedure 6004(h) and any other applicable bankruptcy rules; and

10. granting the Trustee such other and further relief as may be appropriate.

**PLEASE TAKE FURTHER NOTICE** that the Trustee seeks to sell the Property free and clear of any and all liens, claims, and interests. The Trustee reserves the right to object to the validity, scope and priority of all disputed liens, claims and interests.

**PLEASE TAKE FURTHER NOTICE** that, as set forth in the PSA, to the extent the Trustee receives additional bids for the Property, the sale is subject to overbids, permitting the Trustee to consider potentially higher and better offers up to the time of the hearing regarding the Motion.

The Motion is based upon the Memorandum of Points and Authorities, the Declarations of Richard M. Pachulski and Randal Rupert and Exhibit "A" attached thereto, all pleadings, papers and records on file with the Court, and on such other evidence, oral or documentary, as may be presented to the Court at or prior to the time of the hearing on the Motion.

**Your Rights May Be Affected.** You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult one).

**Deadline for Opposition Papers.** The Motion is being heard on shortened notice. If you wish to oppose the Motion, you must file a written response with the Court and serve a copy of it upon the Trustee's attorney at the address set forth above no later than **March 29, 2019**. If you fail to file a written response to the Motion within such time period, the Court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief.

**PLEASE TAKE FURTHER NOTICE** that any party requesting a copy of the Motion or any supporting documents filed with the Court with respect to the Motion may contact counsel for the Trustee, Malhar S. Pagay, Pachulski Stang Ziehl & Jones LLP, by email at: [mpagay@pszjlaw.com](mailto:mpagay@pszjlaw.com), by mail at 10100 Santa Monica Blvd., 13th Floor, Los Angeles, California 90067, or by telephone at (310) 277-6910.

Dated: March 19, 2019

## PACHULSKI STANG ZIEHL & JONES LLP

By: Malhar S. Pagay

Attorneys for Richard M. Pachulski, Chapter 11  
Trustee

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
**10100 Santa Monica Boulevard, 13<sup>th</sup> Floor, Los Angeles, California 90067**

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF HEARING ON MOTION FOR ORDER (1) AUTHORIZING SALE OF REAL PROPERTY FREE AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES PURSUANT TO 11 U.S.C. §§ 363(B) AND (F); (2) APPROVING BUYER AS GOOD-FAITH PURCHASER PURSUANT TO 11 U.S.C. § 363(M); AND (3) AUTHORIZING PAYMENT OF UNDISPUTED LIENS AND OTHER ORDINARY COSTS OF SALE** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **March 19, 2019**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) **March 19, 2019**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **\_\_\_\_, 2019**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

March 19, 2019 Sophia L. Lee /s/ Sophia L. Lee  
Date Printed Name Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

Case 2:17-19548

- Wesley H Avery wes@averytrustee.com, lucy@averytrustee.com;alexandria@averytrustee.com
- Jason Balitzer jbalitzer@sulmeyerlaw.com, jbalitzer@ecf.inforuptcy.com;dwalker@ecf.inforuptcy.com;kmccamey@sulmeyerlaw.com
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- United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov
- Gary R Wallace garyrwallace@ymail.com
- Alan J Watson alan.watson@hklaw.com, rosanna.perez@hklaw.com

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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